

**Senate File 71 - Introduced**

SENATE FILE 71  
BY CHELGREN

**A BILL FOR**

1 An Act providing sanctions for the filing of frivolous actions.  
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 617.16, Code 2017, is amended to read as  
2 follows:

3 **617.16 Frivolous actions.**

4 1. If a party commencing an action has in the preceding  
5 five-year period unsuccessfully prosecuted three or more  
6 actions, the court may, if it deems the actions to have been  
7 frivolous, stay the proceedings until ~~that~~ the party furnishes  
8 an undertaking secured by cash or approved sureties to pay all  
9 costs resulting to ~~an opposing parties~~ party to the action  
10 including a reasonable attorney fee.

11 2. The court shall review each petition commencing an  
12 action within fifteen days of filing. If the court determines  
13 that the petition, on its face, appears to be frivolous, the  
14 court shall stay the proceedings until the party commencing the  
15 action furnishes an undertaking secured by cash or approved  
16 sureties to pay all costs resulting to an opposing party to the  
17 action including a reasonable attorney fee.

18 3. If the party commencing an action furnishes an  
19 undertaking pursuant to subsection 1 or 2 and an opposing party  
20 prevails, the court shall award the opposing party all costs,  
21 including a reasonable attorney fee, if the court determines  
22 that the action was frivolous.

23 EXPLANATION

24 The inclusion of this explanation does not constitute agreement with  
25 the explanation's substance by the members of the general assembly.

26 This bill provides for sanctions for the filing of frivolous  
27 actions in certain circumstances.

28 The bill provides that after a petition commencing an action  
29 is filed, the court must review the petition within 15 days  
30 of filing. If the court determines that the petition, on  
31 its face, appears to be frivolous, the court must stay the  
32 proceedings until the party commencing the action furnishes an  
33 undertaking secured by cash or approved sureties to pay all  
34 costs resulting to an opposing party including a reasonable  
35 attorney fee.

1     The bill provides that if the party commencing the action  
2 was required to furnish an undertaking in order to proceed with  
3 the lawsuit and an opposing party prevails, the court shall  
4 award the opposing party all costs, including a reasonable  
5 attorney fee, if the court determines that the action was in  
6 fact frivolous.